IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 32951 of 2006(W)

PETITIONER:

BABU MATHEW, AGED 46 YEARS,
S/O.T.O.MATHEW, THATTANPARAMBIL HOUSE,
PLASSANAL P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.JOBI JOSE KONDODY

RESPONDENTS:

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1. THE KOTTAYAM DISTRICT CO-OPERATIVE BANK, REPRESENTED BY ITS SECRETARY, KOTTAYAM DISTRICT CO-OPERATIVE BANK, KOTTAYAM.

2. THE SPECIAL SALE OFFICER, KOTTAYAM DISTRICT CO-OPERATIVE BANK, KOTTAYAM.

3. D.VINOD KUMAR, RAJ BHAVAN, PEROOR P.O., KOTTAYAM DISTRICT.

BY GOVERNMENT PLEADER SRI.P.K.RAVIKRISHNAN
BY ADV. SRI.T.R.HARIKUMAR (R1)
SRI.M.NARENDRA KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 32951 of 2006

Dated this the 16th January, 2007.

J U D G M E N T

The 3rd respondent was the defaulter to the first respondent, Co-operative Bank. Coercive steps were initiated and the property belonging to the 3rd respondent, pledged with the first respondent, was brought to sale, the writ petitioner being the auction purchaser. This writ petition is filed by the writ petitioner praying to hand over the physical possession of the property, and also to issue sale certificate, in respect of the public auction, dated, 18.1.2006, in favour of the writ petitioner.

2. When the writ petition came up for consideration, the learned counsel appearing for the first respondent submitted that no proceedings have been initiated by the 3rd respondent to set aside the sale of the property belonging to the 3rd respondent. It is also brought out by either side that the amount due to the first respondent Bank had been completely paid off by the writ petitioner, and, therefore, no amount is due from the 3rd respondent.

3. In such circumstances, counsel for the writ petitioner prayed that the writ petition may be disposed of directing the second respondent who conducted the auction of the property, to issue the sale certificate, so that the writ petitioner could take possession of the property.

4. After hearing counsel for all the respondents and the writ petitioner, I direct the second respondent to issue a sale certificate in respect of the property of the 3rd respondent, sold in public auction, dated 18.1.2006. This shall be done within two weeks from the date of production of a copy of this judgment.

J.M. JAMES,
JUDGE

nj.